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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,186	08/28/2001	David Lohr	FSI-83	5985

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 01/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,186

Applicant(s)

LOHR ET AL

Examiner

PHAM

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-17 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
 - ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
 - ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
 - ☐ Other _____

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Claim Rejections - 35 USC § 112

1. Claims 3 and 10-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3 and 10, the phrase “VOC filter is disposed circumferentially about said HEPA filter” is indefinite since it is unclear whether the “circumferentially” means the VOC is disposed face to face in circumferential contact in any shape i.e. square, rectangular or circular with the HEPA filter, or the VOC is disposed in circular concentric with the HEPA? Clarification is requested. Also, “VOC” is an unidentified acronym. Appropriate correction is requested.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to

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the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hugh (6,117,687; Figs. 1, 5 & 6; col. 2, lines 41-58; col. 6, line 66 through col. 7, line 20; col. 8, line 58 though col. 9, line 24), in view of any one of Nagafune et al (5,827,339; Abstract; 3-5 in Fig. 1; col. 2, lines 31-36 and line 56 through col. 3, line 11; col. 3, lines 49-57), Kudirka et al (4,737,173; Abstract; 20, 30, 40 & 70 in Fig. 1; col. 2, lines 14-33 and line 51 through col. 3, line 7; col. 5, lines 24-29) and Hunter et al (4,559,066; 4 & 7 in Fig. 1; col. 2, line 59 through col. 3, line 20; col. 3, lines 44-68; col. 4, lines 23-33).

Hugh discloses a controlled atmosphere incubator comprising a heater, a cabinet in thermal communication with the heater and surrounded by top, bottom, rear and side walls with an opening, an outer door pivotally mounted to the front side, a blower mounted within the cabinet, a plenum formed in the chamber and providing an air circulation path through the chamber and the plenum being partially formed by a plate mounted across the chamber between the inlet and outlet of the blower, and an HEPA filter attached to the inlet of the blower. Claims 1-17 differ from the disclosure of Hugh in that the apparatus comprises a VOC filter removably attached to the inlet of the blower. Any one of Ngafune et al, Kudirka et al and Hunter et al disclose a chemical filter attached to the blower. Nagafune et al disclose a chemical filter and an

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HEPA filter attached to the fan of a clean dry air generating apparatus and the chemical filter removes chemical mists and foreign materials of few microns level through the chemical filter.

Kudirka et al disclose a first carbon filter and the second carbon filter and an HEPA filter mounted on the blower of a room air treatment system. Both first and second chemical carbon filters remove chemical fumes or impurities which give rise to unpleasant odors. Kudirka et al further disclose the chemical filter comprising of activated carbon. Hunter et al disclose a tubular filter cartridge which has layers of granular sorbent bed and the typical sorbents can be activated carbon, molecular sieves, activated alumina, soda lime or silica gel. The sorbent material is packed in a tube of metal or plastics material closed at the lower end by an end cap and at the upper end by a disc. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to adopt a chemical filter as taught by any one of Nagafune et al, Kudirka et al and Hunter et al in the incubator of Hugh since the chemical filter would effectively removes any undesirable chemical vapors, odors and smells from the air circulation of the incubator.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 308-1605. The examiner can normally be reached on Monday-Friday (except Wednesday) from 7:15 a.m. to 5:45 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached on (703) 308-1972. The fax phone number for this Group is (703) 872-9310 (non-finals) or (703) 872-9311 (after-finals).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Minh-Chau Pham', with a stylized, cursive script.

Minh-Chau Pham

Patent Examiner

January 21, 2003